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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,216	01/21/2004	Kia Silverbrook	MPA08US	1373

24011 7590 11/15/2005

SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

EXAMINER


GOLDBERG, BRIAN J

ART UNIT	PAPER NUMBER
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2861

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/760,216	SILVERBROOK ET AL.	
	Examiner	Art Unit	
	Brian Goldberg	2861	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/3/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

Drawings

1. The drawings are objected to because Figure 17C is referenced in the specification on page 13 line 12, page 14 line 30, page 17 line 18, page 18 line 7, page 22 line 10, and possibly others. This was already brought to your attention in the Pre-Exam Formalities Notice mailed 4/26/2004. Also, the drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: fluid distribution stack 500, and possibly others. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 1 is objected to because of the following informalities: It is not fully clear from the specification what is meant by "clamping arrangement" in the last line of the claim. Appropriate correction or explanation is required.

3. Claim 5 is objected to because of the following informalities: It is not fully clear from the specification what is meant by "fluid distribution member", since this phrasing is not used within the body of the specification. Also, it is not clear what "respective ones" is referring to in the second to last line of the claim. Appropriate correction or explanation is required.

4. Claims 3 and 5 are objected to as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 3 recites the limitation "the lower longitudinally extending protrusion" in the last two lines of the claim. There is insufficient antecedent basis for this limitation in the claim. Claim 5 recites the limitation "the fluid distribution members" in the last two lines of the claim. There is insufficient antecedent basis for this limitation in the claim, since it is only referred to in the singular as "at least one fluid distribution member" prior to this reference.

Double Patenting

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140

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F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); In re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 1-5 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 2-5 of copending Application No. 10/760,217. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1 and 2 of the instant application are contained in claim 2 of the reference application, and claims 3-5 of the instant application are the same as claims 3-5 of the referenced application, respectively.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Silverbrook et al.

9. Regarding claim 1, Silverbrook et al. disclose "at least one printhead module (10 of Fig 2) comprising at least two printhead integrated circuits (18 of Fig 4), each of which has nozzles formed therein for delivering printing fluid onto the surface of print media (col 3 ln 45-47), and a support member (16 of Fig 7) supporting and carrying the printing fluid for the at least two printhead integrated circuits; a casing (14 of Fig 3) in which the at least one printhead module is removably mounted by having a first side thereof slidably received in a longitudinally extending groove (64 of Fig 2) of the casing and a second side thereof clamped to the casing by a clamping arrangement (94 and curved edge of 14 of Fig 2)."

10. Regarding claim 2, Silverbrook et al. disclose "wherein the clamping arrangement (94 and curved edge of 14 of Fig 2) is employed to constrain movement of the printhead module relative to the casing in the direction of printing fluid delivery from the nozzles to the print media." The clamping arrangement of figure 2 holds the module firmly in place, constraining movement of the module in all directions.

11. Regarding claim 3, Silverbrook et al. disclose "the casing comprises a longitudinally extending channel portion within which the at least one printhead module is mounted, the channel comprising first and second side walls joined by a lower wall (channel formed by side walls 64 and 94 of Fig 2 and joined by lower wall marked 14 in Fig 1); the first side wall including the longitudinally extending groove (groove formed by 64 of Fig 2) and the longitudinally extending groove being formed between upper and lower longitudinally extending tabs (see upper and lower tabs of 64 of Fig 2); and the second side wall having a longitudinally extending upper surface (bottom surface of 94

of Fig 2) upon which the second side of the at least one printhead module is mounted, the longitudinally extending upper surface having a height from the lower surface of the channel portion substantially equal to a height of the lower longitudinally extending protrusion of the first side wall (height of 94 is substantially equal to height of 64 as seen in Fig 2)."

12. Regarding claim 4, Silverbrook et al. disclose "the casing includes a support frame (64, 94, lower parts of 76 and 32 of Fig 2), and a cover portion (28 of Fig 6); and the clamping arrangement engages with the support frame (see Fig 2). The clamping arrangement is part of the support frame, and thus engages with the support frame.

13. Regarding claim 5, Silverbrook et al. disclose "the at least one printhead module (10 of Fig 2) is formed as a unitary arrangement of the at least two printhead integrated circuits (18 of Fig 4), the support member (16 of Fig 7), at least one fluid distribution member (26 of Fig 7) mounting the at least two printhead integrated circuits to the support member, and an electrical connector (48, 22 of Fig 8) for connecting electrical signals to the at least two printhead integrated circuits (col 3 ln 59-65); and the support member has at least one longitudinally extending channel (80 of Fig 7) for carrying the printing fluid for the printhead integrated circuits and includes a plurality of apertures (42 of Fig 7) extending through a wall of the support member arranged so as to direct the printing fluid from the at least one channel to associated nozzles in both, or if more than two, all of the printhead integrated circuits by way of respective ones of the fluid distribution members (see Fig 7 and col 3 ln 45-47)."

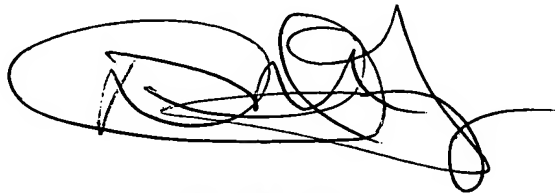
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Goldberg whose telephone number is 571-272-2728. The examiner can normally be reached on Monday through Friday, 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray can be reached on 571-272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BJG

A handwritten signature in black ink, appearing to read 'DAVID M. GRAY', with a large, stylized loop at the end.

**DAVID M. GRAY
PRIMARY EXAMINER**